

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NH LEARNING SOLUTIONS,
CORPORATION,

Defendant.

Case No. 22-13045

Honorable Laurie J. Michelson

**ORDER DENYING AS MOOT
DEFENDANT’S INITIAL MOTION TO DISMISS [9]**

NH Learning Solutions Corporation provides both live and online information technology and business courses, which are offered to veterans, among other students. The government alleges that NHLS knowingly inflated the amount of reimbursement it sought from the Department of Veterans Affairs as provided by the Post-9/11 GI Bill. Specifically, the government states that NHLS violated the “Last Payer Rule,” which prescribes that the VA reimbursement applies only after all other scholarships and reductions in tuition have been applied. Thus, the government alleges that NHLS violated the False Claims Act by submitting inflated sums to the VA for reimbursement and by falsely certifying that it had complied with the Post-9/11 GI Bill. The government also brings claims for payment under mistake of fact and unjust enrichment.

In response to the original complaint, NHLS filed a motion to dismiss. (ECF No. 9.) Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), which allows a party

to amend its pleading “once as a matter of course within[,] . . . if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b),” the government filed an amended complaint. (*See* ECF No. 10.)

The Court finds that the amended complaint moots NHLS’ motion to dismiss, which was made in response to the first complaint. Therefore, NHLS’ initial motion to dismiss (ECF No. 9) is DENIED AS MOOT.

SO ORDERED.

Dated: May 30, 2023

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE